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E.O. 12958: DECL: 09/19/2016

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SUBJECT: LEBANON: JUSTICE MINISTER WANTS INTERNATIONAL  
CONSENSUS, BRAMMERTZ ON SPECIAL TRIBUNAL

Classified By: Jeffrey D. Feltman, Ambassador. Reason: 1.4 (d)

¶1. (C) Ambassador and Polcouns called on Justice Minister Charles Rizk on September 18 at his home to discuss the Brammertz investigation and preparations for a special tribunal with international character. We examined with Rizk the latest draft of the statute authorizing the tribunal. This version was concluded with UN Legal Advisor Nicolas Michel during his visit to Beirut last week, and is free of bracketed language with the exception of the title for Article 3. Rizk had discussed the draft over the weekend with UNIIIC Commissioner Serge Brammertz, who shared his concern about the "Crimes Against Humanity" language.

#### Crimes Against Humanity Article

¶2. (C) Rizk told Michel that Article 3 of the draft statute, entitled "Crimes Against Humanity," would be a hard sell in Lebanon as it seemed too broad and threatened the Lebanese consensus, articulated during the National Dialogue, in favor of the tribunal. Michel wants the "crimes against humanity" language in the document in order to preclude presidential immunity; however Rizk fears it may prevent Council of Ministers acceptance of the statute, and suggested deleting the heading "crimes against humanity" and appending the Article 3 text to the end of Article 1, "Jurisdiction of the Special Tribunal."

¶3. (C) Rizk consulted Brammertz on the statute language over the last weekend. Brammertz suggested deleting the entire Article 3 and adding language to Article 2, "Crimes Under Lebanese Law" to the effect that any crimes uncovered and proven during the investigation and trial that fall under provisions of international law will be tried under international law, which (according to Brammertz) automatically eliminates presidential immunity.

#### Brammertz to Stay On?

¶4. (C) According to Rizk, Brammertz was very engaged and attentive to the text of the statute, and Rizk concluded from his behavior that he might succeed in convincing Brammertz to stay on after the launch of a special tribunal to be its Chief Prosecutor. Brammertz stressed to us how important this would be; he noted that bringing a new prosecutor up to speed on the case would require months of additional waiting. Rizk felt that with an appropriate statute for the tribunal,

"a good salary" and prospects for career advancement, Brammertz might be persuaded to stay on.

#### Obtaining International Consensus

15. (C) Rizk gave us a readout of his meeting with Russian Ambassador Boukin in which the latter expressed a strong interest in the case. Rizk took this as a sign that the Russians were monitoring tribunal developments on Damascus' behalf and that they may be in a position to give assent. He asked us to consult closely with the Russians and other permanent Security Council members as soon as the Council of Ministers approves the draft to ensure there are no UNSC holds on the tribunal. The Ambassador assured Rizk that we will consult but that no further Security Council resolution or action is required to launch the tribunal.  
FELTMAN